REMARKS

In the Office Action, the Examiner allowed claims 1-3, 5-10, 29-46, and 49-55, rejected claims 11-15, 20, 22-27, 47 and 48, and objected to claims 16-18. The Examiner also indicated that claims 16-18 would be allowable if rewritten in independent form. By this paper, the Applicants amended claims 20, 38, and 47 and added new claims 56-57 to clarify certain features to expedite allowance of the present application. These amendments and new claims do not add any new matter. Upon entry of these amendments, claims 1-3, 5-18, 20, 22-27, and 29–57 will be pending in the present application and are believed to be in condition for allowance. In view of the foregoing amendments and the following remarks, the Applicants respectfully request allowance of all pending claims.

Claim Rejections under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 11-15, 20, 22-27, and 47-48 under U.S.C. § 102(e) as being anticipated by Bolognia et al. (U.S. Patent No. 6,819,555, hereafter "the Bolognia reference"). Applicants respectfully traverse these rejections.

Legal Precedent

Anticipation under section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

Features of Independent Claim 11 Omitted from Bolognia Reference

Turning to the claims, the present amended independent claim 11 recites, *inter alia*, "a bendable arcuate mount disposed within the chassis adjacent the computer drive, wherein the bendable arcuate mount comprises a plurality of heat transfer structures."

The Bolognia reference does not teach or suggest the "bendable arcuate mount *comprises* a plurality of heat transfer structures," as recited in claim 11. In contrast, the Bolognia reference discloses a "retainer slide member 166 is formed integrally with an elongated spring arm structure 178 which, in turn, is formed integrally with a left side of the central bezel section 138 and extends between the two lowermost heat sink fins 134." Bolognia, col. 6, lines 52-56 (emphasis added). In other words, the heat sink fins 134 are separate or independent from the elongated spring arm structure 178. *See id.* Thus, the Bolognia reference does not teach or suggest the "bendable arcuate mount *comprises* a plurality of heat transfer structures," as recited in claim 11.

In view of these deficiencies among others, the Bolognia reference cannot anticipate independent claim 11 and its dependent claims.

Features of Independent Claim 20 Omitted from Bolognia Reference

As amended, the present independent claim 20 recites, *inter alia*, "means for bendingly compressing toward the computer drive to retain the computer drive vertically in the chassis."

The Bolognia reference does not teach or suggest "means for bendingly compressing *toward* the computer drive to *retain* the computer drive *vertically* in the chassis," as recited in claim 20. In contrast, the Bolognia reference discloses an elongated spring arm structure 178 that is separate and away from a disk drive 20, and the structure 178 never moves *toward* the disk drive 20. *See* Bolognia, Figs. 10, 11a, and 12a; col. 6, lines 44-58. Specifically, the elongated spring arm structure 178 is part of an ejector latch assembly 98, which is positioned in a molded plastic front bezel structure 96 of a disk drive carrier 60. *See id.* The disk drive 20 is mounted between walls 90, 92, and 94 of the disk drive carrier 60 via mounting screws 120 and 122, which thread into openings 80 and 82 in the disk drive 20. *See* Bolognia, Fig. 10; col. 7, lines 58-67. The

elongated spring arm structure 178 has no function in mounting the disk drive 20 within the disk drive carrier 60. *See id.* As illustrated in Figs. 11a and 12a, the elongated spring arm structure 178 is positioned at a substantial gap away from the disk drive 20, and at most moves laterally (or generally parallel) relative to the disk drive 20. *See* Bolognia, Figs. 11a and 12a. Thus, the Bolognia reference does not teach or suggest "means for bendingly compressing *toward* the computer drive to *retain* the computer drive *vertically* in the chassis," as recited in claim 20.

In addition, Applicants respectfully note that claim 20 includes means-plus-function language, as set forth in 35 U.S.C. § 112, paragraph 6, *and should be examined in accordance with this body of law*. As may be appreciated, with respect to 35 U.S.C. § 112, paragraph 6, an Examiner "may not disregard the structure disclosed in the specification corresponding to such language when rendering a patentability determination." *In re Donaldson Co.*, 29 U.S.P.Q.2d 1845 (Fed. Cir. 1994); *see also* Manual of Patent Examining Procedure § 2181. Applicants note that proper interpretation of this claim must be performed with reference to the structure provided in the specification. Particularly, with regard to the "means for bendingly compressing against the computer drive to retain the computer drive vertically in the chassis" recitation of claim 20, Applicants' specification discloses a compressive drive mount 14 that produces a compressive force about a computer drive 100. *See, e.g.*, Application, Fig. 5; paragraphs 0011, 0012, and 0013. Applicants respectfully stress that the Office Action fails to establish a *prima facie* case of unpatentability *in accordance with* the relevant statutory and precedential authority outlined above. Consequently, Applicants respectfully submit that independent claim 20 is patentable over the Bolognia reference.

In view of these deficiencies among others, the Bolognia reference cannot anticipate independent claim 20 and its dependent claims.

Features of Independent Claim 22 Omitted from Bolognia Reference

As amended, the present independent claim 22 recites, *inter alia*, "securing the computer drive between the base mount structure and a top mount structure having a bendable arcuate drive interface; and wherein securing comprises contacting a plurality of heat transfer structures."

The Bolognia reference does not teach or suggest "*securing* the computer drive *between* the *base* mount structure and a *top* mount structure having a *bendable arcuate drive interface*," as recited in claim 22. In contrast, the Bolognia reference discloses an elongated spring arm structure 178 that is separate and away from a disk drive 20. *See* Bolognia, Figs. 10, 11a, and 12a; col. 6, lines 44-58. Specifically, the elongated spring arm structure 178 is part of an ejector latch assembly 98, which is positioned in a molded plastic front bezel structure 96 of a disk drive carrier 60. *See id.* The disk drive 20 is mounted between walls 90, 92, and 94 of the disk drive carrier 60 via mounting screws 120 and 122, which thread into openings 80 and 82 in the disk drive 20. *See* Bolognia, Fig. 10; col. 7, lines 58-67. The elongated spring arm structure 178 has no function in securing the disk drive 20 within the disk drive carrier 60, much less between a base mount structure and a top mount structure having a bendable arcuate interface as recited by claim 22. *See id.* Thus, the Bolognia reference fails to teach or suggest "securing the computer drive between the base mount structure and a top mount structure having a bendable arcuate drive interface," as recited in claim 22.

In addition, the Bolognia reference does not teach or suggest "*securing* comprises *contacting* a plurality of heat transfer structures," as recited in claim 22. In contrast, the Bolognia reference discloses a "retainer slide member 166 is formed integrally with an elongated spring arm structure 178 which, in turn, is formed integrally with a left side of the central bezel section 138 and extends between the two lowermost heat sink fins 134." Bolognia, col. 6, lines 52-56 (emphasis added). The heat sink fins 134 are not contacted as a result of securing the disk drive 20. *See id.* Again, the elongated spring arm

structure 178 has no function in securing the disk drive 20 within the disk drive carrier 60, much less between a base mount structure and a top mount structure having a bendable arcuate interface as recited by claim 22. *See* Bolognia, Fig. 10; col. 7, lines 58-67. Thus, the Bolognia reference does not teach or suggest "*securing* comprises *contacting* a plurality of heat transfer structures," as recited in claim 22.

In view of these deficiencies among others, the Bolognia reference cannot anticipate independent claim 22 and its dependent claims.

Features of Independent Claim 47 Omitted from Bolognia Reference

As amended, the present independent claim 47 recites, *inter alia*, "means for bendingly compressing against the computer drive to retain the computer drive vertically in the chassis."

The Bolognia reference does not teach or suggest "means for bendingly compressing *against* the computer drive," as recited in claim 47. In contrast, the Bolognia reference discloses an elongated spring arm structure 178 that is separate and away from a disk drive 20. *See* Bolognia, Figs. 10, 11a, and 12a; col. 6, lines 44-58. Specifically, the elongated spring arm structure 178 is part of an ejector latch assembly 98, which is positioned in a molded plastic front bezel structure 96 of a disk drive carrier 60. *See id.* The disk drive 20 is mounted between walls 90, 92, and 94 of the disk drive carrier 60 via mounting screws 120 and 122, which thread into openings 80 and 82 in the disk drive 20. *See* Bolognia, Fig. 10; col. 7, lines 58-67. The elongated spring arm structure 178 has no function in mounting the disk drive 20 within the disk drive carrier 60. *See id.* As illustrated in Figs. 11a and 12a, the elongated spring arm structure 178 is positioned at a substantial gap away from the disk drive 20. *See* Bolognia, Figs. 11a and 12a. Thus, the Bolognia reference does not teach or suggest "means for bendingly compressing *against* the computer drive," as recited in claim 47.

In addition, Applicants respectfully note that claim 47 includes means-plus-function language, as set forth in 35 U.S.C. § 112, paragraph 6, *and should be examined in accordance with this body of law*. As may be appreciated, with respect to 35 U.S.C. § 112, paragraph 6, an Examiner "may not disregard the structure disclosed in the specification corresponding to such language when rendering a patentability determination." *In re Donaldson Co.*, 29 U.S.P.Q.2d 1845 (Fed. Cir. 1994); *see also* Manual of Patent Examining Procedure § 2181. Applicants note that proper interpretation of this claim must be performed with reference to the structure provided in the specification. Particularly, with regard to the "means for bendingly compressing against the computer drive to retain the computer drive vertically in the chassis" recitation of claim 47, Applicants' specification discloses a compressive drive mount 14 that produces a compressive force about a computer drive 100. *See, e.g.*, Application, Fig. 5; paragraphs 0011, 0012, and 0013. Applicants respectfully stress that the Office Action fails to establish a *prima facie* case of unpatentability *in accordance with* the relevant statutory and precedential authority outlined above. Consequently, Applicants respectfully submit that independent claim 47 is patentable over the Bolognia reference.

In view of these deficiencies among others, the Bolognia reference cannot anticipate independent claim 47 and its dependent claims.

For at least these reasons, Applicants respectfully requests withdrawal of the rejections under 35 U.S.C. § 102.

New Claims

As noted above, the Applicants added new dependent claims 56 and 57. These new claims do not recite any new subject matter. In view of their dependency from independent claims 20 and 22, these claims are believed to be in condition for allowance for at least the reasons discussed in detail above. In addition, these claims recite further

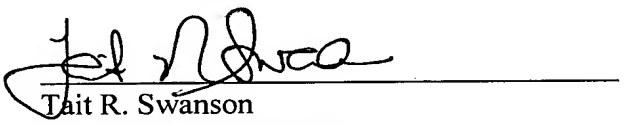
features not found in the Bolognia reference. Accordingly, the Applicants respectfully request allowance of these new dependent claims.

Conclusion

If the Examiner wishes to resolve any remaining issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

Date: January 3, 2006



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